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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,687	05/31/2001	Hernan G. Otero	21710-68172	3804

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BUCKLEY, MASCHOFF, TALWALKAR LLC
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EXAMINER

HAVAN, THU THAO

ART UNIT PAPER NUMBER

3691

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,687

Applicant(s)

OTERO ET AL.

Examiner

Thu Thao Havan

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/21/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,6,11,12,14 and 16-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6,11,12,14 and 16-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to Arguments

In view of the Appeal Brief filed on August 21, 2006, PROSECUTION IS
HEREBY REOPENED. The new non-final office action set forth below.

To avoid abandonment of the application, appellant must exercise one of the
following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply
under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied
by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130,
1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1, 5-6, 11-12, 14, and 16-27** are rejected under 35 U.S.C. 103(a) as being
unpatentable over Magill et al. (US 2004/0143542) in view of Kane (US 6,317,728) and
further in view of Maves et al. (US 6,125,442).

Re claims **1**, **12**, and **14**, Magill teaches an apparatus for a computerized trading system comprising (para. 0003 and 0018; figs. 1 and 7):

an algorithm for implementing a trading strategy (para. 0085);

first sub-interface allows a user... (para. 0056);

an interface comprising a first sub-interface and a second sub-interface, wherein (para. 0057);

said second sub-interface allows the user to review details of orders executed (para. 0053); and

said interface allows the user to navigate among said first and second sub-interfaces (para. 0060). *In other words, Magill discloses interactive electronic open order book for securities transaction. His interactive system consists of a graphical user interface (GUI) that enables a user to modify, review, or navigate the securities transaction. In particular, Magill discloses the GUI allows individual users to customize (i.e. modify) their color scheme to designate their outstanding orders on the system. In that, the GUI allows Subscribers to access the system, view system information, submit messages for processing by the system, and request information on messages being processed by the system.*

However, Magill does not explicitly teach a logic engine. On the other hand, Kane discloses a logic engine (col. 2, line 51 to col. 3, line 58). Kane discloses decision logic system that corresponds to a logic engine as claimed. He discloses a decision logic including a repository for storing a plurality of buy/sell rules for buying and selling securities in response to the buy/sell data. In that, the decision logic systems having a plurality of agents. In addition, he discloses a processing logic having inputs respectively

Art Unit: 3691

communicating with the data acquisition system and with the clock for assigning respective clock times to the buy/sell data. Thus, it would have been obvious to one of ordinary skill in the art to implement a decision logic system as a logic engine in relation to securities trading system as discloses in Kane.

Furthermore, Magill and Kane do not explicitly teach modify algorithm by changing a mapping between an event and an action. On the other hand, Maves discloses the step of modifying algorithm by changing a mapping between an event and an action (col. 2, line 18 to col. 7, line 57; figs. 13-15). Maves discloses the steps of developing and modifying application software that eliminates the need to write code to implement functionality associated with the application. He also discloses the steps for developing, testing and executing application software using a Run Time Events Manager in connection with a set of Models. These Models include changing a mapping between an event and an action to modify the application. Thus, it would have been obvious to one of ordinary skill in the art to modify algorithm by changing a mapping between an event and an action to perform and execute a software application when customizing a new application for a particular software module as discloses in Maves.

Re claims **5-6** and **16**, Magill teaches first sub-interface comprises a graphical user interface (para. 0056).

Re claims **11**, **19**, and **22**, Magill teaches a third sub-interface which allows the user to monitor operation of a server computer that executes the logic engine and said interface allows the user to navigate among said first, second and third sub-interfaces (para. 0060;

0150). *Magill discloses GUI permitting a user to interactive browning the Internet thus is a method of navigating.*

Re claims **17, 20, and 23**, Kane teaches trading strategy is selected from the group consisting of: (a) a Volume-Weighted-Average-Price strategy; (b) a Ratio strategy; (c) a Gamma Hedge strategy; (d) a Iceberg strategy; and (e) a CB Delta Hedge strategy (col. 7, lines 1-41; figs. 1-20). *In figures 19-20, Kane discloses price ratio.*

Re claims **18, 21, and 24**, Magill teaches first sub-interface includes an event editor interface, a condition editor interface and an action editor interface (para. 0053-0060).

Re claims **25-27**, Magill teaches a securities trading order (para. 0057).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 3691

system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the

Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



Thu Thao Havan

Art Unit: 3691

11/09/2006